



AN ACT IMPROVING THE ACTUARIAL UNFUNDED LIABILITY OF THE GAME WARDENS' AND PEACE OFFICERS' RETIREMENT SYSTEM BY INCREASING THE TIME PERIOD USED IN CALCULATING HIGHEST AVERAGE COMPENSATION FOR NEW HIRES; AMENDING SECTION 19-8-101, MCA; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 19-8-101, MCA, is amended to read:

**"19-8-101. Definitions.** Unless the context requires otherwise, the following definitions apply in this chapter:

(1) (a) "Compensation" means remuneration paid from funds controlled by an employer in payment for the member's services or for time during which the member is excused from work because the member has taken compensatory leave, sick leave, annual leave, or a leave of absence before any pretax deductions allowed by state or federal law are made.

(b) Compensation does not include maintenance, allowances, and expenses.

(2) (a) "Highest average compensation" means ~~a member's~~:

(i) for members hired prior to [the effective date of this act], the highest average monthly compensation during any 36 consecutive months of membership service;

(ii) for members hired on or after [the effective date of this act], the highest average monthly compensation during any 60 consecutive months of membership service; or;

(iii) in the event a member has not served ~~at least 36 months~~, the minimum specified period of membership service, the total compensation earned divided by the number of months of service.

(b) Lump-sum payments for severance pay, including payment for compensatory leave, sick leave, and annual leave, paid to the member upon termination of employment may be used in the calculation of a retirement benefit only to the extent that they are used to replace, on a month-for-month basis, the normal compensation for a month or months included in the calculation of the highest average compensation. A lump-sum payment may

not be added to a single month's compensation.

(3) "Game warden" means a state fish and game warden hired by the department of fish, wildlife, and parks and includes all warden supervisory personnel whose salaries or compensation is paid out of the department of fish, wildlife, and parks money.

(4) "Motor carrier officer" means an employee of the department of transportation designated or appointed as a peace officer pursuant to 61-10-154 or 61-12-201.

(5) "Peace officer" or "state peace officer" means a person who by virtue of the person's employment with the state is vested by law with a duty to maintain public order or make arrests for offenses while acting within the scope of the person's authority or who is charged with specific law enforcement responsibilities on behalf of the state."

**Section 2. Effective date.** [This act] is effective July 1, 2011.

- END -

I hereby certify that the within bill,  
HB 0134, originated in the House.

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Chief Clerk of the House

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Speaker of the House

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2011.

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President of the Senate

Signed this \_\_\_\_\_ day  
of \_\_\_\_\_, 2011.

HOUSE BILL NO. 134

INTRODUCED BY C. SQUIRES

BY REQUEST OF THE PUBLIC EMPLOYEES' RETIREMENT BOARD

AN ACT IMPROVING THE ACTUARIAL UNFUNDED LIABILITY OF THE GAME WARDENS' AND PEACE OFFICERS' RETIREMENT SYSTEM BY INCREASING THE TIME PERIOD USED IN CALCULATING HIGHEST AVERAGE COMPENSATION FOR NEW HIRES; AMENDING SECTION 19-8-101, MCA; AND PROVIDING AN EFFECTIVE DATE.